

PCT/US03/02193 .15072003

DT14 Rec'd PCT/PTO 15 JUL 2003

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PCT PATENT

Docket No. GEN100415 PCT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

International Application No. : PCT/US03/02193
International Filing Date : January 24, 2003
Applicant : Gentex Corporation
For : SENSOR CONFIGURATION FOR SUBSTANTIAL
SPACING FROM A SMALL APERTURE

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

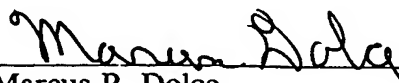
This is in response to the "Invitation to Correct Priority Claim" dated June 23, 2003, in connection with the above International Application.

In response to the defects noted in Annex To Form PCT/RO/110, Item 2(a), Applicant includes herewith a copy of a Petition Under 37 C.F.R. §1.10(c) filed in priority application Serial No. 10/068,540 to change the incorrect filing date of February 8, 2002, issued by the U.S. Patent Office, to the correct filing date of February 6, 2002. Also enclosed is a copy of the Decision Granting Petition issued by the U.S. Patent and Trademark Office dated June 6, 2002, granting the correct filing date of February 6, 2002 in priority application Serial No. 10/068,540.

Respectfully submitted,

GENTEX CORPORATION

July 15, 2003


Marcus P. Dolce
Registration No. 46 073
695 Kenmoor, S.E.
P.O. Box 2567
Grand Rapids, MI 49501
(616) 949-9610

MPD/sm
GEN10 FP-415(PCT)
Enclosures

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PCT/US03/02193.150/2003

Atty. Docket No. GEN10 P-415

CERTIFICATE OF MAILING

I hereby certify that this paper, together with all enclosures identified herein, are being deposited with the United States Postal Service as first class mail, addressed to the Assistant Commissioner for Patents, Washington D.C. 20231, on the date indicated below.

3/20/02
Date

Rebecca A. Westers
Rebecca A. Westers

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No. : 10/068,540
Applicant : Jon H. Bechtel et al.
Confirmation No. : 9899
Filing Date : February 6, 2002
For : SENSOR CONFIGURATION FOR SUBSTANTIAL SPACING
FROM A SMALL APERTURE

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Assistant Commissioner for Patents
Washington D.C. 20231

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OFFICE OF PETITIONSPETITION UNDER 37 C.F.R. §1.10(c)

Pursuant to 37 C.F.R. §1.10(c), Applicants hereby petition the Commissioner to accord a filing date of February 6, 2002, for the above-identified patent application.

Specifically, upon receiving the Filing receipt (a copy of which is enclosed), Applicants' representative noted that a filing date of February 8, 2002, had been erroneously given to this application despite the fact that the "date in" on Express Mail label No. EV037477632US indicated that the application was deposited on February 6, 2002. A copy of the Express Mail label is attached. Also attached is a printout of shipment history from the United States Postal Service web site, which shows that the Express Mail package bearing label No. EV037477632US was in route as of February 6, 2002. This clearly serves as evidence that the "date in" was in fact February 6, 2002, as clearly indicated on the Express Mail label. As will be apparent from a review of the file, each piece of correspondence bears

Applicant : Jon H. Bechtel et al.
Appln. No. : 10/068,540
Page : 2

the Express Mail label No. EV037477632US. Also enclosed is a copy of the returned postcard, which also indicates a filing date of February 6, 2002. However, it is noted that the United States Patent and Trademark Office's Patent Application Information Retrieval web site indicates a filing date for the application as being February 8, 2002, which is clearly also in error.

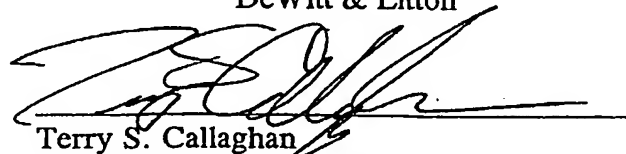
Insofar as 37 C.F.R. §1.10(c) does not indicate that any fee is due with this Petition, Applicants have included no such fee. However, if any fee is required, such fee may be charged to Deposit Account No. 16 2463.

Applicants submit that the requirements of 37 C.F.R. §1.10(c) have been met and, accordingly, the relief sought in this Petition should be granted and thus the application should be given a filing date of February 6, 2002, and a corrected Filing Receipt indicating the same should be issued.

Respectfully submitted,

JON H. BECHTEL ET AL.

By: Price, Heneveld, Cooper,
DeWitt & Litton



Terry S. Callaghan
Registration No. 34 559
695 Kenmoor, S.E.
Post Office Box 2567
Grand Rapids, Michigan 49501
(616) 949-9610

3-20-2002
Date

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Paper No. 4

PRICE, HENEVELD, COOPER, DEWITT, & LITTON
695 KENMOOR, S.E.
P O BOX 2567
GRAND RAPIDS MI 49501

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In re Application of
Bechtel et al.
Application No. 10/068,540
Filed: 6 February, 2002
Attorney Docket No. GEN10 P-415

:
: DECISION GRANTING
: PETITION
:

PRICE, HENEVELD, COOPER
DEWITT & LITTON

This is a decision on the petition under 37 CFR 1.101~~PER~~, filed on 29 March, 2002, requesting that the above-identified application be accorded a filing date of 6 February, 2002, rather than the presently accorded filing date of 8 February, 2002.

Petitioners allege that the application was deposited in Express Mail service on 6 February, 2002. In support, on 29 March, 2002, petitioners supplied a copy of Express Mail Label No. EV037477632US (the same Express Mail number found on the itemized transmittal letter accompanying the original application papers located in the official file). The "Date-in" on the Express Mail Label is 2/6/02.

The Office considers the date the paper or fee is shown to have been deposited in "Express Mail" to be the "Date-in" on the Express Mail label.¹ That is the date that verifies that the package was actually mailed. In view of the above, the evidence is convincing that the application was deposited as "Express Mail" with the U.S. Postal Service on 6 February, 2002. It is also noted that the original application papers in the official file bear a USPTO stamp dated 2/6/02. It appears that the filing date was incorrectly entered as 8 February, 2002, in Office PALM records.

In view of the above, the petition is granted. No petition fee is required and none has been charged.

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OFFICE OF PETITIONS

Application No. 10/068,540

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The application is being returned to the Office of Initial Patent Examination (OIPE) for correction of the filing date to 6 February, 2002, and for issuance of a corrected Filing Receipt. Thereafter, the application will be forwarded to Technology Center 2800 for examination in due course.

Telephone inquiries specific to this matter should be directed to the undersigned at (703) 308-6918.



Douglas I. Wood
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy